

1895-005 Chancery Causes: Singer Manufacturing Co] vs. Elisha L. Howard &
Lee Co.

Ely

CA-Debt

To the Honorable W. T. Miller, Judge of the Circuit Court of Lee County, Virginia:-

Humbly complaining your orator, The Singer Manufacturing Company, a corporation doing business in the state of Virginia, would respectfully represent and shew unto your honor that on the 3rd day of February 1894, it leased to Elihu L. Howard one Singer Sewing Machine, (the said Howard then residing at Beech Springs, in said county), valued at \$55.00, and which he was to use with care and keep in good order and for the use of which he agreed to pay your orator the said sum of \$55.00 as follows: \$5.00 cash in hand and an old White machine at \$10.00, and the residue of said ^{sum} of \$55.00 at the rate of \$3.00 per month payable in advance on the 3rd day of each month thereafter at its agency in Roanoke, Virginia, without notice or demand; but if default should be made in either of said payments, or if he should sell or offer to sell remove or attempt to remove the said machine from his ~~and~~ said residence without the written consent of the complainant then and in that event he agreed to return the same and that the plaintiff or ~~it~~ its agents might resume actual possession thereof, etc., all of which ~~it~~ will more fully and at large appear by the written lease and contract executed and delivered by the said Howard to the plaintiff on the day aforesaid and the endorsements thereon and as to said obligation he waived the Homestead and other exemptions, said written lease and contract with the endorsements thereon is herewith filed as part hereof marked "A". Pursuant to said contract the said Howard paid as above stated the said sum of \$15.00, leaving \$40.00 unpaid, and pursuant to ~~the~~ the terms of said contract the said \$40.00 became due and payable as follows: \$3.00 March 3, 1894, \$3.00 April 3, 1894, \$3.00 May 3, 1894, \$3.00 June 3, 1894, \$3.00 July 3, 1894, \$3.00 August 3, 1894, \$3.00 September 3, 1894, \$3.00 October 3, 1894, \$3.00 November 3, 1894, \$3.00 December 3, 1894, \$3.00 January 3, 1895, \$3.00 February 3, 1895, \$3.00 March 3, 1895, and \$1.00 April 3, 1895. Your orator will further represent and shew unto your honor that the said Howard failed and refused and still doth fail and refuse to pay the said residue of ~~the said~~

\$40.00 as it became due and payable as aforesaid, or any part thereof, *and has sold said machine to said M. G. Ely who has possession thereof* and has removed from this state and is now a resident of the state of Kentucky, and therefore a non-resident of this state, but has estate in this county and debts due him from M. G. Ely ~~and Etta Ely~~.

Now the object of this bill is to recover against the said Elihu L. Howard a decree for the said sum of \$40.00 and interest on the said several monthly installments ~~thereof~~ ^{thereof} as the same became due and payable, together with the costs of this suit and to subject to the payment thereof the said indebtedness due the said Howard from the said M. G. Ely ~~and Etta Ely~~ and that the same be attached in ~~their~~ ^{his} hands for that purpose. To this end your orator prays that the said Elihu L. Howard, ~~M. G. Ely and Etta Ely~~ be made the parties defendant to this bill and answer the same, but not on oath, that being waived; that on a hearing the relief ~~herin~~ ^{herein} before prayed for be granted, and such other further and general relief as your orator may show itself entitled to. May process issue and order of publication be made duly posted and published against the said Howard. And your orator will ever pray, &c.

C. M. Blaukenship, Esq., P.O.

Virginia, Lee County, to-wit:

I, A. B. Munsey, Clerk of the Circuit Court of said county, do hereby certify that George M. Blaukenship, Agent & Attorney for The Singer Manufacturing Company, personally appeared before me and made oath that the ~~facts~~ ^{allegations} stated in the above bill are true so far as they depend upon his own knowledge, & so far as information derived from others he believes ^{them} to be true; and he further made oath that at the time of the institution of this suit

he made the ^{proper} affidavit as is required by law
to the justness of the claim sued on and
all other facts required by the Code
necessary to the issuance of the process
in this cause. But as the same is
not in the papers and seem to be
lost or mislaid he make this affi-
davit to show that said affidavit
was made at the proper time & in
the proper form. Given under
my hand this Nov. 14, 1895.
A. B. Munsey Clerk

The Singer Manufg Co.

vs Bill in Chancery.

Elihu L Howard Ad.

Exhibit A filed

1895-1st October ruled bill
filed Spa Executed &
Deere Nisi

" 2nd October ruled Deere
Nisi confirmed clause
set for hearing by
Plff.

Elihu L. Howard et als,

ads. $\frac{2}{3}$ answer of M. G. Ely -
The Singer Manuf. Co.

The answer of M. G. Ely to a bill filed in this
honorable court by the Singer Mfgt Co. vs. Elihu L.
Howard et als, For answer says that he is indebted to
his Co-defendant Elihu Howard, or his assigns by notes ~~in the~~
^{in the following sums.}
about \$8⁰⁰ of which is due April 4th 1897 - And \$70, due
the 1st day of April 1898 - but your respondent has
been recently informed since the institution of of this suit
that the said Elihu L. Howard has assigned your respondent
notes ^{excepted to him} to his brother E. C. L. Howard - your respondent
does not know whether ^{such} assignments were made for
your respondent's honor or for the convenience of said report or for any reason or notice from the
valuable consideration, or in fraud of creditors, in any
event, your respondent is advised that complainants
should amend their bill and make E. C. L. Howard
a party defendant, And now having answered as
fully as he is advised that it is necessary for him
to answer, he prays here to be dismissed with
his reasonable costs, etc.

M. G. Ely

signed original

Elihu L. Howard et al

ads { answer of
M. Y. Ely

Singer Mfg. Co. - dist

Filed Nov 14th 1895

A B Munsey clerk

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never to say 'I should'

Upon consideration whereof it is ordered, adjudged and decreed that the plaintiff recover of the defendant the sum of \$40.00, ^{Elihu L. Howard} with interest thereon from April 15th, 1895, and it appearing to the court that M.G.Ely is indebted to the said Elihu Howard, and it further appearing to the court that the said Howard ~~and the other~~ ^{is} ~~defendants~~ ^{and costs} ~~than the said Ely are~~ nonresidents, it is ordered, adjudged and decreed that the plaintiff recover the said sum of \$40.00 against the said M.G.Ely, ^{by reason of his indebtedness as shown by his answer} and that he pay the sums shown by his answer to be due from him to the said Howard as they become due, or so much thereof as will pay the said debt, costs and interest, and it is further ordered that when the sums shown by said Ely answer to be due Howard are due, then the plaintiff may have an execution against the said Ely for the same. And the cause is continued.

Erigenia M. f. f. f.

r. 3 Decem.

Eliza L. Howard

No. 1.

Of B. P 294

Enter this

M. J. M.

Nov. 17, 1895

In the Clerk's Office of the Circuit Court of the County of
Lee on the 13th day of September 1875.

The Singer Manufacturing Co.
against

Plaintiff

Elihu Howard et als.

Defendants.

The object of this suit is to recover of the defendant Elihu L Howard
\$40.00 & interest thereon, and to attach the indebtedness due
to said Howard from his Co-defendant M. G. Ely.

And an affidavit having been made and filed that the defendant Elihu L Howard is

not ^aresident of the State of Virginia, it is ordered that he do appear here, within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Gate City
Gazette, and that a copy be posted at the front door of the court-house of this County
on the first day of the next term of the County Court.

A copy—Teste:

Or, Blankenship v. Evening p. q.

A. B. Mursey Clerk.
by S. W. Edwards &c.

The Singer Manuf Co

VS.

ORDER
OF
PUBLICATION.

Elihu L. Howard et al

I A B Munsey Clerk of
the Circuit Court of Lee Co
Va do certify that I post-
ed a copy of this order
of publication at the
front door of the Court
house of Lee County Va
at the Sept term 1895
given under my hand
this 10th day of Oct 1895
A B Munsey Clk

In the Clerk's Office of the Circuit Court of the County of
Lee, State of Virginia.

The Dinger Manufacturing Co.
against

Plaintiff

In Chancery

Elihu L Howard & M. G. Ely
Defendants

This day G. W. Blaukenship atty for Plaintiff personally appeared
before me. S. V. J. Richardson deputy for A. B. J. Clerk of the said Court,
and being duly sworn, made oath that Elihu L Howard

defendant in the said suit is not a resident of the State of Virginia,

Given under my hand ^{deputy} Clerk of the said Court, this

13th day of September.

1895.

S. V. J. Richardson
for it to Murray clerk

The Singer Mfg Co.

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Elihu L. Howard et als.

Or, Blanchard & Co. p. q.

In the Clerk's Office of the Circuit Court of the County of
Lee, Virginia, Sept' 13th 1895.
The Singer Manufacturing Co. Plff.

vs
Elihu L. Howard, N. G. Ely ~~Walter Ely~~ Defs. In Chancery.

G. W. Blankenship maketh oath and saith that he believes that the claim of
the plaintiff asserted in this suit is just, that he believes the plaintiff is entitled to or ought to recover in
this action the sum of \$48.00 and interest thereon as set forth in plaintiff's bill.
(at the least), and that he believes the defendant is a nonresident of this State, and has estate
or debts owing to him within the County of Lee, or is sued with a de-
fendant residing therein.

Sworn to before me this 13th day of September 1895.

A. B. Murray Clerk.

By J. W. Richmond DC

The Singer Manufacturing Co.

vs.

}

Affidavit for Attachment

vs.

Estate of Non-Resident.

*Elihu L. Howard et
als*

VIRGINIA: In the clerk's office of the circuit court
of the county of Lee, on the 13th day of September,
1895:

The Singer Manufacturing Co., Plaintiff, }
against
Elihu L. Howard et als.....Plaintiffs. }

The object of this suit is to recover of the defendant, Elihu L. Howard, \$40 and interest thereon, and to attach the indebtedness due to said Hamard from his co-defendant, M. G. Ely; and an affidavit having been made and filed that the defendant, Elihu L. Howard, is not a resident of the state of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four successive weeks in the Gate City Gazette, and that a copy be posted at the front door of the courthouse of this county on the first day of the next term of the county court.

A. B. MUNSEY, Clerk.

By S. V. RICHMOND, D. C.

Orr, Blankenship & Ewing, p. a.

I, JOHN A. MAHONEY, publisher of THE
GATE CITY GAZETTE, a weekly newspaper
published at Gate City, Va., do hereby
certify that the appended advertisement
has been published in said newspaper for
four successive weeks. This 8th day
of October, 1895.

John A. Mahoney,
Editor & Publisher Gazette.